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INS Guarantees 15-Day Processing

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Given its limited manpower and correspondingly moderate response capacity, the Immigration and Naturalization Service (INS) through time has increasingly been confronted with problems of delays and backlogs in filed petitions and immigration applications.

The Premium Processing Service, which began on June 1, 2001, is hence a landmark initiative of sort since such service cuts the processing time of certain employment-based petitions to a mere 15 calendar days. The fee for this expedited service is \$1,000, in addition to the standard processing fees. The \$1,000 fee will be refunded if the case is not adjudicated within that period.

What exactly is the new "Premium Processing Service" of the INS?

The Premium service is a program that would provide American businesses a speedier means of processing a petition, thereby meeting their needs for a foreign worker. Specifically, the Premium Processing Service guarantees a 15-calendar day processing to certain employment-based petitions and applications.

Beneficiaries under the program include those whose employers may have had already filed Form I-129 on their employees' behalf, and whose classifications may fall under any of the following: E-1, E-2, H-2A, H-2B, H-3, L-1, D-1, D-2, P-1, P-2, P-3, and Q-3.

On July 30, 2001, the INS will expand the Premium Processing Program and make the service available to employers who may wish to file Form I-129 under the H-1B, TN or R non-immigrant visa categories.

The primary form to use when filing for the Premium Processing Service is Form I-907 (Request for Premium Processing Service). This can be filed by a petitioner, the applicant, or an attorney or representative acting on behalf of a petitioner or applicant. Accordingly, this request may be filed with a relating application or petition, or it may be filed after, as long as the relating petitioner or application is still pending.

The processing period of 15 days begins with the receipt by INS of I-907 and ends upon the INS's mailing of a notice. The notice may be that of an approval, request for evidence, intent to deny or a notice of investigation for fraud or misrepresentation.

Additional advances of the Premium Processing Program include an individualized system where the applicant's phone and fax numbers and e-mail address are obtained through Form I-907, therefore opening channels for receiving updates and case-pertinent information to applicants.

Furthermore, the INS will allow I-539 applications for dependents to receive the same expeditious service as the principal family member's I-129 at no additional cost, if they are filed at the same time.